

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

PASADENA UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2015010336

ORDER GRANTING REQUEST FOR
MEDIATION AND CONTINUING DUE
PROCESS HEARING

On May 6, 2015, District informed the Office of Administrative Hearings that counsel for the parties request mediation on May 11, 2015, which is the first day set for hearing, and that the hearing proceed as scheduled on May 12, 2015, if the matter is not resolved.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3).) In ruling upon a motion for continuance, OAH is guided by the provisions found within the Administrative Procedure Act and the California Rules of Court that concern motions to continue. (Cal. Code Regs., tit. 1, § 1020; Cal. Rules of Court, rule 3.1332.)

The parties have a right to request mediation at any time. Although parties have the right to request mediation even after a hearing has begun, OAH does not take hearing dates “off calendar” unless there is a fully executed settlement agreement pending school board approval. In this case, the parties have requested mediation be set on Monday, May 11, 2015, and have agreed to proceed with the due process hearing on Tuesday, May 12, 2015, if the matter is not resolved. The parties are represented by counsel, who routinely practice before OAH and are aware of OAH’s calendaring procedures and guidelines. OAH does not set mediations on Mondays. Accordingly, the next available date for mediation is Tuesday, May 12, 2015, and mediation will be set on that day. The request for mediation is further deemed to be a request to continue the due process hearing to May 13, 2015, so that the parties may participate in mediation.

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is granted. Mediation shall be set for May 12, 2015, at 1:30 p.m. Mediation shall be held at District offices located at 351 South Hudson Avenue, Pasadena, California, 91101.

The due process hearing is continued to May 13 and 14, 2015, and continuing day to day, Monday through Thursday, at the discretion of the ALJ. The due process hearing shall

begin at 9:30 a.m., on the first day of hearing and at 9:00 a.m., on all other days unless otherwise ordered. The due process hearing shall take place at the Office of Administrative Hearings located at 15350 Sherman Way, Suite 300, Van Nuys, California, 91406.

IT IS SO ORDERED.

DATE: May 07, 2015

/s/

MARIAN H. TULLY

Administrative Law Judge

Office of Administrative Hearings